

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

G.A. NARANJO, }  
v. Plaintiff, } C.A. No. 05-106 Erie  
JAMES SHERMAN, Warden, }  
Defendant. }

**MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on April 5, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on July 22, 2005, recommended that the Plaintiff's Motion to Proceed *In Forma Pauperis* [Doc. 2] be denied and the case dismissed without prejudice. The parties were allowed ten (10) days from the date of service to file objections. Service was attempted on Plaintiff by certified mail at FCI McKean, Plaintiff's address of record, and on the Defendant. No objections were filed. After *de novo* review of the complaint and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 11<sup>th</sup> Day of August, 2005;

IT IS HEREBY ORDERED that the Plaintiff's Motion to Proceed *IN forma Pauperis* [Doc. 2] is DENIED and the case DISMISSED WITHOUT PREJUDICE.

The report and recommendation of Magistrate Judge Baxter, dated July 22, 2005, is adopted as the opinion of the court.

s/ SEAN J. McLAUGHLIN  
United States District Judge

cc: all parties of record